

**FILED**

**STATE OF INDIANA  
INDIANA UTILITY REGULATORY COMMISSION**

**AUG 02 2002**

**In the Matter of the Petition of )  
Indiana Bell Telephone Company, )  
Incorporated d/b/a Ameritech Indiana )  
Pursuant to I.C. 8-1-2-61 For a Three )  
Phase Process For Commission )  
Review of Various Submissions of )  
Ameritech Indiana to Show Compliance )  
with Section 271(c) of The Telecommunications )  
Act of 1996 )**

**INDIANA UTILITY REGULATORY COMMISSION**

**Cause No. 41657**

**REQUEST FOR CONFIDENTIAL AND PROPRIETARY  
TREATMENT OF DOCUMENTS SUBMITTED IN SUPPORT OF  
TIME WARNER TELECOM OF INDIANA, L.P.'S COMMENTS ON REVISIONS TO  
ILLINOIS REMEDY PLAN TO INCLUDE SPECIAL ACCESS IN ACCORD WITH  
THE IURC'S PRINCIPLE NO. 7**

Time Warner Telecom of Indiana, L.P. ("Time Warner Telecom"), by counsel, hereby requests the Commission Grant Confidential and Proprietary Treatment for documents Time Warner Telecom intends to submit in support of its August 2, 2002 filing on Special Access referenced above.

1. Specifically, Time Warner Telecom seeks confidential treatment of Time Warner Telecom's internally generated trouble tickets and reports of orders, due dates, completion dates and notes regarding service problems relating to special access services provided by Ameritech. This information includes customer-specific names, locations and details regarding service and constitutes a trade secret as defined by I.C. 24-2-3 because the information derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by other persons who can obtain economic value from its disclosure or use. If this information was disclosed to competitors, competitors could target Time Warner Telecom

customers who have had problems with their service as a result of Ameritech's performance on its special access services.

2. Time Warner Telecom also intends to file documents that Ameritech has provided to Time Warner Telecom that include data reported by Ameritech regarding its performance to Time Warner Telecom on special access services. Ameritech has designated those documents as confidential and if Ameritech wants to protect those documents, Ameritech should file for confidential treatment. If Ameritech does not file, Time Warner Telecom intends to submit those documents to the Commission at the time it provides the Confidential documents referenced above.

3. Time Warner Telecom agrees to make the Confidential documents available to the Office of Utility Consumer Counselor ("OUCC") upon the OUCC's execution of a mutually agreeable non-disclosure agreement.

4. Counsel for Petitioner will hand deliver the Confidential documents to the presiding officer or other Commission designee upon request.

5. Pursuant to 170 IAC 1.1-1-4, attached hereto as "Exhibit A" is the Affidavit of Pamela H. Sherwood in Support of Time Warner Telecom's Request for Confidential and Proprietary Treatment of Documents Submitted in Support of Time Warner Telecom of Indiana, L.P.'s Comments on Revisions to Illinois Remedy Plan to Include Special Access in Accord with the IURC's Principle No. 7.

WHEREFORE, Time Warner Telecom respectfully requests that internally generated trouble tickets and reports of orders, due dates, completion dates and service problems relating to special access services provided by Ameritech be deemed confidential by the Commission and

be exempt from public disclosure pursuant to I.C. 5-14-3 et. seq., and for all other relief proper in the premises.

Respectfully submitted,

By: 

Nikki G. Shoultz, #16509-41  
SOMMER & BARNARD, PC  
4000 Bank One Tower  
111 Monument Circle  
Indianapolis, IN 46204  
(317) 630-4000

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the foregoing document has been served first class United States mail, postage prepaid, on the following counsel of record this 2<sup>nd</sup> day of August, 2002:

Anne E. Becker  
Office of Utility Consumer Counselor  
Indiana Government Center North,  
100 N. Senate Ave., Room N501  
Indianapolis, IN 46204

And to all other counsel of record via e-mail service.

  
Nikki G. Shoultz

**STATE OF INDIANA**

**INDIANA UTILITY REGULATORY COMMISSION**

<b>In the Matter of the Petition of</b>	)	
<b>Indiana Bell Telephone Company,</b>	)	
<b>Incorporated d/b/a Ameritech Indiana</b>	)	
<b>Pursuant to I.C. 8-1-2-61 For a Three</b>	)	<b>Cause No. 41657</b>
<b>Phase Process For Commission</b>	)	
<b>Review of Various Submissions of</b>	)	
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<b>with Section 271(c) of The Telecommunications</b>	)	
<b>Act of 1996</b>	)	

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**AFFIDAVIT OF PAMELA H. SHERWOOD**

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STATE OF INDIANA       )  
                                      ) SS:  
COUNTY OF MARION     )

Pamela H. Sherwood, being first duly sworn on oath, deposes and states as follows:

1. Time Warner Telecom of Indiana, L.P., ("Time Warner Telecom") is a facilities-based competitive local exchange carrier certified in the State of Indiana. Time Warner Telecom has offices located at 4625 W. 86<sup>th</sup> Street, Suite 500, Indianapolis, IN.
2. I am the Vice President of Regulatory, Midwest Region for the Applicant, Time Warner Telecom, and in this capacity I have personal knowledge of all relevant matters pertaining to this Request and I am authorized to make this affidavit on behalf of Time Warner Telecom.
3. Time Warner Telecom is requesting confidential treatment for documents to be submitted in support Time Warner Telecom of Indiana, L.P.'s Comments on Revisions to Illinois

Remedy Plan to Include Special Access in Accord with the IURC's Principle No. 7 filed currently today, August 2, 2002.


4. The documents to be submitted in support contain proprietary information that would aid competitors of Time Warner Telecom and therefore is protectible from disclosure pursuant to Indiana law, and information that comprise trade secrets protectible from public disclosure.

5. The documents are internally generated trouble tickets and reports of orders, due dates, completion dates and notes regarding service problems relating to special access services provided by Ameritech. This information includes customer-specific details regarding service, including customer name and location. While Ameritech's wholesale division arguably has this information, it is precluded from using this information to its competitive advantage. If this information was disclosed to Ameritech as a competitor or other competitors, they could target Time Warner Telecom customers who have had problems with their service as a result of Ameritech's performance on its special access services.

6. This information is protected internally by Time Warner Telecom as proprietary information.

7. With CLECs going out of business and/or filing for bankruptcy, the financial markets are particularly sensitive and reactionary to disclosure of this type of information. In addition, competitors could use this information in their marketing and/or discussions with potential customers to their own advantage by skewing the data to suggest that a particular CLEC is not viable or a quality alternative provider.

Dated at Indianapolis, Indiana, this 1<sup>st</sup> day of August, 2002.

  
Pamela H. Sherwood

Subscribed and sworn to before me  
this 1<sup>st</sup> day of August, 2002

Naudia A. Curry  
Notary Public, State of Indiana

My Commission Expires 12/10/09.

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NOTARY PUBLIC  
NOTARY PUBLIC STATE OF INDIANA,  
HENDRICKS COUNTY  
MY COMMISSION EXPIRES 12/10/09